

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1906 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PRAVIN G RAVAL

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioner

MR HL JANI for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/04/97

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round then in the second round and lastly, in the third round, but none put appearance on behalf of the petitioner. Perused the Special Civil Application and heard the learned counsel for the respondents.

2. The petitioner, an Administrative Officer, Class-II in the Office of the Director of Geology &

Mining, filed this Special Civil Application before this Court and prayer has been made for quashing and setting aside of the orders annexure 'C' and 'F' to the Special Civil Application.

3. Annexure 'C' is the order of Director of Geology & Mining under which the petitioner was relieved from looking after day-to-day work in Administrative Branch. He was directed to look after Stores Department and to sit in the Store where Shri M.K. Parekh (Retired Stores Officer) was sitting, with effect from 4-2-1984. Annexure 'F' is the memo under which the petitioner was served with a chargesheet.

4. This Special Civil Application has come up for admission before this Court on 9-4-1984 on which date, notice pending admission returnable on 13-4-1984 was issued. On 13-4-1984, the matter was adjourned to 26th April, 1984, and it has been ordered "Status-quo to be maintained in the meantime". On 2nd May, 1984, the order made by this Court reads as under:

Rule. Interim relief in terms of Para No.26(c).

Para No.26(c) reads as under:

pending admission, hearing and final disposal of this petition, to direct the respondents, their officers, agents and servants, not to disturb or obstruct with the petitioner's discharging his duties as Administrative Officer, Class-II in the Directorate of Geology & Mining;

So the respondents were restrained from disturbing or obstructing with the petitioner's discharging his duties as Administrative Officer, Class-II in the Directorate of Geology & Mining.

5. So far as the chargesheet, annexure 'F' is concerned, it was not stayed. This is the petition of the year 1984 and by now the inquiry would have been completed and appropriate order would have been passed, but curiously enough, none of the parties to this petition has brought on the record of this case, the subsequent developments which have taken place. The petitioner entered in the Government service in the year 1960 and there is a possibility that the petitioner would have superannuated, and in case he has not been superannuated then that day may not be far off. There may be further possibility that the petitioner would have been promoted to other post. Be that as it may. The petitioner is allowed to work as Administrative Officer,

Class II in the Administrative Branch, and in terms of the order granted by this Court, the order annexure 'C' stood stayed.

6. In view of this fact, I consider that no useful purpose will be served in case now the arrangement which is continued for all these years is discontinued. So far as the challenge by the petitioner to annexure 'F' is concerned, it is suffice to say that by this time the inquiry would have been completed and secondly, otherwise also to this extent the writ petition is not maintainable. Only the chargesheet has been given and the petitioner has all the rights to submit his defence. No penalty has been given to the petitioner. So to the extent of challenge made in this Special Civil Application annexure 'F', this Special Civil Application is dismissed.

7. So far as the challenge to annexure 'C' is concerned, this writ petition is disposed of in the terms that this order may not be given effect to, if the interim direction given by this Court was given effect to and the petitioner was allowed to work as Administrative Officer in Administrative Branch. However, the respondents are at liberty to pass appropriate order in the matter in accordance with law if exigencies so warrant and if it is necessary for the administrative reasons. This Special Civil Application and Rule stands disposed of in the aforesaid terms with no order as to costs.

zgs/-